

ORDER TO ADOPT

TITLE 13. MOTOR VEHICLES

ARTICLE 3.5. MOTOR CARRIER PERMIT PROGRAM

Sections 220.04, 220.12, and 221.12

§220.04. Expiration and Renewal of a Motor Carrier Permit.

(a) A ~~Renewal Application for Motor Carrier Permit form [DMV 134 MCP-I, DMV 134 MCP-P, DMV 134 MCP-L, DMV 134 MCP-LC, or DMV 134 MCP-C (Rev. 12/2000)]~~ Motor Carrier of Property Permit Renewal Application form [DMV 134 MCP (REV. 1/2004)], which ~~are~~ is hereby incorporated by reference, shall be completed and submitted to the department, prior to the date of expiration, when a motor carrier applies for renewal of a Motor Carrier Permit.

(b) The permit term shall remain the same unless the permit is withdrawn pursuant to Section 220.18 of these regulations or is suspended or revoked pursuant to California Vehicle Code sections 34505.6, 34623, or 34624(d).

(c) A permit term shall be limited to 12 months.

NOTE: Authority cited: Sections 1651 and 34604, Vehicle Code. Reference: Sections 1652, 34620, and 34621, Vehicle Code.

§220.12. Owner-Operators.

(a) A motor carrier may submit a written statement to the department, within fifteen (15) calendar days of the date of service of the order of suspension, showing why good cause exists not to suspend the Motor Carrier Permit pursuant to Section 34624(d) of the Vehicle Code.

(b) Good cause pursuant to Vehicle Code section 34624(d) shall be as follows:

(1) The motor vehicle(s) listed under an owner-operator's Motor Carrier Permit shall be operated by family members and other drivers who are enrolled in the department's Employer Pull Notice system, pursuant to Vehicle Code section 1808.1(a) and (e). This requirement shall be fulfilled prior to operating any motor vehicle identified in Vehicle Code section 1808.1(k) and operated under the owner-operator's Motor Carrier Permit.

(2) The motor vehicle(s) listed under an owner-operator's Motor Carrier Permit shall be operated by casual drivers, as defined in Vehicle Code section 1808.1(j), and under the owner-operator's Motor Carrier Permit.

(A)The owner-operator shall have possession of the casual driver's current public record prior to operating any motor vehicle identified in Vehicle Code section 1808.1(k) and operated under the owner-operator's Motor Carrier Permit.

(c) An owner-operator whose Motor Carrier Permit has been suspended pursuant to Vehicle Code section 34624(d) shall not be entitled to a hearing to show why the permit should not be suspended.

NOTE: Authority cited: Sections 1651 and 34604, Vehicle Code. Reference: Sections 1808.1 and 34624, Vehicle Code.

§221.12. Termination of Assignment.

(a) A request for termination submitted on a Request to Terminate Self Insurance form [DMV 132 MCP (REV. 3/2001)] shall be deemed a termination of the assignment of the cash deposit(s) or savings account(s) and self-insurance status. The termination shall be processed at no charge.

(b) The Director shall release the money held by the assignment to the assignor seven years after the termination of the Motor Carrier Permit; or when acceptable proof of financial responsibility pursuant to Vehicle Code section 34630 is submitted to the department in the form of a Certificate of Insurance, [DMV 65 MCP (REV. 7/2002)] or a surety bond, [DMV 55 MCP (REV. 10/2003)]; or receipt of an incomplete Application for Motor Carrier Permit form [DMV 706 MCP (REV. 4/2003)] with no further activity. The Director may utilize his/her discretion and release the assignment before the seven-year period is complete when he/she is satisfied that there are no outstanding claims and unsatisfied final judgments against the motor carrier or former motor carrier. A judge of a superior court may order the return of the money held by the assignment prior to the expiration upon evidence satisfactory to the judge that there are no outstanding claims against the money held by the assignment.

(c) The assignment shall be released when the Director orders the assigned account(s) returned.

NOTE: Authority cited: Sections 1651 and 34604, Vehicle Code. Reference: Section 34630, Vehicle Code.